

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Sri J.Bhujanga Rao, former DCTO, Enforcement Wing, O/o.CCT - Allegation of Corruption - Criminal case filed - Acquitted in trial court - Criminal Appeal filed- Pending - Unauthorized absence from duty from 29-04-2008 onwards without applying leave or prior permission - Disciplinary proceeding initiated under Rule 20 of APCS (CCA) Rules, 1991 - Article of charges framed - explanation not submitted - Inquiry conducted- Charge Proved - Punishment of removal from service - Imposed - Orders - Issued.

REVENUE (VIGILANCE - II) DEPARTMENT

G.O.MS.No. 148

Dated : 28-04-2015

Read the following :

- 1.G.O.Ms.No.948, Rev. (CT.I) Dept., dated 27-12-2000.
- 2.Prog.No.DZ (4)/1268/1999, dt.30-03-2002 of CCT, A.P., Hyd.
- 3.Prog.No.DZ (4)/1268/1999, dated 14-7-2004 of CCT, AP, Hyd.
- 4.Orders of Hon`ble Spl.Judge for SPE & ACB Cases, Vijayawada in CC.No.12 of 2001 dated 05-01-2007.
- 5.From DG, ACB, AP, Hyd, Lr.No.187/RCT-VKI/99-S9, dt.1-5-2007.
- 6.Govt.Memo No.77178/Vig.I(1)/1999-8, dated 28-06-2007.
- 7.From DG, ACB, AP, Hyd, Lr.No.187/RCT-VKI/99-S9, dt.19-1-2011.
- 8.From CCT, A.P., Hyd., Lr.No.V2/207/2009, dated 05-03-2009.
- 9.From CCT, A.P., Hyd., Lr.No.V2/207/2009, dated 09-10-2009.
- 10.From AC (Legal) Lr.No. V2/207/09, dt.12-8-10 (IR), O/o.CCT, AP, Hyd.
- 11.Representation dt.03-10-2010 of Sri J.Bhujanga Rao, DCTO, (CT).
- 12.Government memo No.77178/Vig.I(1)/1999-19, dt.09-10-2014.
- 13.Representation dt.26-11-2014 of Sri J.Bhujanga Rao, DCTO, (CT).
- 14.From Secretary, APPSC, Hyd, Lr.No.224/RT/3/15, dt.04-04-2015.

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ORDER :

Whereas in the reference 1st read above, the Government after examining the final report received from the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad in the letter dated 06-06-2000 have accorded sanction to prosecute Sri J.Bhujanga Rao, former Deputy Commercial Tax Officer, Suryaraopet, Vijayawada in court of law on the allegations of corruption and accordingly, the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad has filed the charge sheet against the Accused Officer in C.C.No.12/2001 before the Court of Special Judge for Special Police Establishment and Anti-Corruption Bureau cases, Vijayawada. The Accused Officer was placed under suspension w.e.f.30-03-2002, and later he was re-instated into service w.e.f.02-08-2004, vide references 2nd and 3rd read above.

2. And whereas the Hon`ble Spl.Judge for Special Police Establishment and Anti-Corruption Bureau cases, Vijayawada has passed judgment in C.C.No. 12/2001 on 05-01-2007 holding that the charge framed against the Accused Officer as not proved and acquitted him from the charge, vide reference 4th read above. Further, the Government after examining the trial court judgment and the remarks of the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad has accorded permission to file criminal appeal against the trial court judgment vide reference 6th read above. Accordingly, Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad has filed Criminal Appeal No. 938/2007 against the orders of trial Court judgment, vide reference 7th read above and the same is pending before Hon`ble Andhra Pradesh High Court.

(P.T.O)

3. And whereas as the matter stood thus, the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad has framed the following charges against the said Sri J.Bhujanga Rao, former Deputy Commercial Tax Officer, Enforcement Wing., O/o.Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 for his unauthorized absence from duty from 29-04-2008 onwards, vide reference 8th read above, with a direction to submit his written statement of defence.

Article - I

That Sri J.Bhujanga Rao, while working as Deputy Commercial Tax Officer, Enforcement Wing, O/o.Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad during the period from 23-03-2007 to 28-04-2008 has been transferred and posted as Manager, O/o.Deputy Commissioner, Vijayawada-I Division vide CCT.Ref.No.DZ(3)/768/ 2006, dated 28-04-2008 and that he failed to report to duty in his new assignment and thereby disobeyed the orders issued by the higher authorities and has been unauthorisedly absenting himself to duty from 29-04-2008 onwards and thereby exhibited gross negligence in obeying the orders of the higher authorities and caused much inconvenience to the administration and thereby contravened Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Article - II

That during the aforesaid period and while functioning in the aforesaid office, that Sri J.Bhujanga Rao, Deputy Commercial Tax Officer has filed a representation dated 29-04-2008 stating that he would retire from duty on voluntary retirement scheme. The same has been examined and as he did not put in minimum service of 20 years as required under Andhra Pradesh Revised Pension Rules, 1980 for opting for Voluntary Retirement Scheme, the request of the charged officer has been rejected by the Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad vide CCT Ref.No. DZ(1)/362/2008, dated 25-08-2008. Even then he has not reported to duty in his new assignment and failed to comply with the orders of the higher authorities and thereby contravened Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

4. Whereas the Charged Officer without submitting explanation to the Charge Memo again filed another representation before the Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad on 06-04-2009 informing that he intends to resign from the post of Deputy Commercial Tax Officer. As his earlier request for taking Voluntary Retirement from service has been rejected by the Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad on the ground that he has not put in 20 years of minimum qualified service, but also that he has not fully exonerated from the Criminal charge filed against him on corruption charges as the Crl.Appeal No.938/2007 filed against the trial court judgment before the Hon`ble Andhra Pradesh High Court is still pending. Hence the Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad has framed the following additional charge against the Charged Officer vide reference 9th read above :

Charge No.III :

That the said Sri J.Bhujanga Rao, while functioning as Deputy Commercial Tax Officer, Enforcement Wing, O/o.Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad instead of submitting his Explanation / Written Statement of Defence to the charges framed against him vide charge memo dated 05-03-2009 has filed further representation on 06-04-2009 informing his intention to resign from the post of Deputy Commercial Tax Officer which was examined and rejected on 19-08-2009 with a direction to report to duty

(Contd..)

immediately. But even then he failed to report to duty till date and thereby disobeyed the orders of the higher authorities and has been unauthorisedly absent to duty from 29-04-2008 onwards to till date. Thus he has shown gross negligence in obeying the orders of the higher authorities and caused much inconvenience to the administration and thereby contravened rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

5. And whereas as the Charged Officer has failed to submit his explanation even to the additional charge framed against him, therefore the Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad has got the matter inquired through a regular enquiry by appointing Enquiry Officer. The Inquiry Officer has issued notices to the Charged Officer to appear before the Inquiry Authority on several dates, i.e., on 31-10-2009, 13-11-2009 and 03-12-2009 to defend the charges framed against him, but the Charged Officer has not turned up to any of the notices. Therefore the Inquiry Officer has conducted ex-parte Inquiry and submitted the Inquiry Report based on the facts listed out by the Presenting Officer and the material available on record finding that the charges framed against the Charged Officer as held proved, vide reference 10th read above.

6. And whereas Sri J.Bhujanga Rao, former Deputy Commercial Tax Officer, has submitted representation vide reference 11th read above, to the Inquiry Report communicated to him by the Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad vide memo dated 16-09-2010, stating that he has suffered mental agony due to implicating him in false case of corruption by the Anti Corruption Bureau and that even after his acquittal by trial court, the same was not implemented, instead an appeal has been filed against the trial court judgment due to which he has been forced to apply for Voluntary Retirement. After his acquittal by the trial court he is entitled for regularization of the suspension period from 08-04-2002 to 01-08-2004 and if the said period is regularized which can be counted as qualifying service, then he would complete 20 years of service and eligible for opting for Voluntary Retirement under Rule 43 (1) of Andhra Pradesh Revised Pension Rules, 1980. Hence requested to drop further action against him and to regularize the suspension period and also to consider his request for voluntary retirement from service w.e.f. 29-04-2008.

7. And whereas the Government after careful examination of the matter have observed that even on normal retirement on superannuation, a Government Servant against whom disciplinary / judicial charges are pending and incase of acquittal, if appeal is filed against the trial court judgment, he will be allowed to retire from service conditionally subject to outcome of the appeal. In the instant case even if the suspension period is regularized consequent on his acquittal by the trial court, his request to permit him to retire from service by opting Voluntary Retirement Scheme or by resignation cannot be considered until disposal of the Criminal Appeal filed against the trial court judgment. Hence the orders issued by the Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad rejecting his request is inaccordance to the rules. Therefore Government have provisionally decided to impose major penalty against Sri J.Bhujanga Rao, former Deputy Commercial Tax Officer, in terms of orders issued vide G.O.Ms.No.260, General Administration (Ser.C) Department, dated 04-09-2003 for his unauthorized absent to duty from 29-04-2008 onwards to till date and disobeying the instructions issued by his higher authorities and issued Show Cause Notice to the Charged Officer, vide reference 12th read above, with a direction to submit his representation. The Charged Officer has submitted representation re-iterating the contents earlier stated and requested to drop further action against him, vide reference 13th read above.

8. Whereas the Government have examined the matter in detail and observed that he has not put forth any new grounds for consideration, therefore it has been decided to impose the major penalty of removal from service against Sri J.Bhujanga Rao, former Deputy Commercial Tax Officer, in terms of orders issued vide G.O.Ms.No.260, General Administration (Ser.C) Department, dated 04-09-2003, and concurrence of the A.P.Public Service Commission has been obtained in the reference 14th read above (copy enclosed).

9. Now therefore in exercise of the powers conferred under Clause (ix) of Rule 9 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules 1991 read with instructions issued in G.O.Ms.No.260, General Administration (Ser.C) Department, dated 04-09-2003, Government hereby order to impose the punishment of removal from service against Sri J.Bhujanga Rao, former Deputy Commercial Tax Officer, Enforcement Wing, O/o.Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad, with immediate effect.

10. The Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad shall take necessary further action in the matter accordingly.

NOTIFICATION

11. The following notification shall be published in the extraordinary issue of the Andhra Pradesh Gazette dated 30-04-2015.

Now therefore in exercise of the powers conferred under Clause (ix) of Rule 9 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules 1991 read with instructions issued in G.O.Ms.No.260, General Administration (Ser.C) Department, dated 04-09-2003, Government hereby order to impose the punishment of removal from service against Sri J.Bhujanga Rao, former Deputy Commercial Tax Officer, Enforcement Wing, O/o.Commissioner, Commercial Taxes Department, Andhra Pradesh, Hyderabad, with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J.C.SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT (CT & Ex) (FAC)**

To

Sri J.Bhujanga Rao, Deputy Commercial Tax Officer, (Commercial Taxes)
H.No.67, Shilpa Brundavan, Kukatpally (Post), Hyderabad.

through the Commissioner, Commercial Taxes Department, A.P, Hyderabad.
The Commissioner, Commercial Taxes Department, A.P, Hyderabad.

(he is requested to serve the GO on the individual and send the served copy with dated signature to Government)

The Commissioner of Printing, Stationery & Stores Purchase, Hyderabad.

(with a request to publish the G.O. in the extraordinary Gazette and
furnish 10 copies to Government)

Copy to:

The Secretary to Vigilance Commission, A.P.Vigilance Commission, Hyd.

The Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad.

The Secretary, A.P. Public Service Commission, Hyderabad.

The Accountant General, AP, Hyderabad.

The Director, Treasuries & Accounts, A.P, Hyderabad.

The Deputy Commissioner, Commercial Taxes, Vijayawada.

The Revenue (CT.I) Department.

SF/SC.

//Forwarded :: By Order //

SECTION OFFICER